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Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2879



PATENT
ATTORNEY DOCKET NO.: 041514-5072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kunio IMAI

Application No.: 09/517,732

Filed: March 2, 2000

For: SWITCHING ELEMENT HAVING
INSULATIVE FILM AND ORGANIC
FILM AND ELECTROLUMINESCENT
ELEMENT DISPLAY DEVICE
(AS AMENDED)

Confirmation No.: 4972

Group Art Unit: 2879

Examiner: K. Quarterman

Mail Stop AF

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AF**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 16, 2004 finally rejecting claims 21-37. The period for reply has been extended through July 16, 2004 by the petition for a three-month extension of time and corresponding fee payment previously filed in this application on July 14, 2004.

07/16/2004 SDIRETRI 00000056 500310 09517732

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1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

☒ An extension for three months has already been secured on July 14, 2004 in this application. Accordingly, Applicant's understanding is that no additional extension of time fee is currently required.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

☒ The Commissioner is authorized to charge the appeal fee of \$330.00 to Deposit Account No. 50-0310.

3. Amendment filed on July 14, 2004

☒ Applicant notes that an Amendment was filed in this Application on July 14, 2004. However, an Office Communication has not yet issued in response to that filing. Applicant awaits a USPTO Office Communication in this regard.

4. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$330.00 for the Notice of Appeal fee of \$330.

5. Constructive Petition

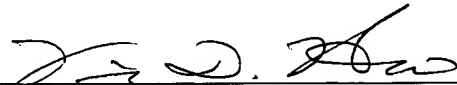
- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 15, 2004

By:


Victoria D. Hao
Registration No. 47,630

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